

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY AUGUST 29, 2013

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN SENATE APRIL 25, 2013

## Senate Joint Resolution

**No. 9**

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**Introduced by Senators Huff, Anderson, Berryhill, Cannella, Emmerson, Fuller, Gaines, Knight, Nielsen, Walters, and Wyland**

(Coauthors: Assembly Members Achadjian, Allen, Bigelow, Chávez, Conway, Dahle, Beth Gaines, Hagman, Harkey, Linder, Maienschein, Mansoor, Melendez, Nestande, Olsen, Patterson, Wagner, ~~and Wilk~~ *Wilk, Ammiano, Atkins, Bloom, Bocanegra, Bonilla, Bonta, Bradford, Brown, Buchanan, Ian Calderon, Campos, Chau, Chesbro, Cooley, Dickinson, Eggman, Fong, Fox, Frazier, Garcia, Gatto, Gomez, Gordon, Gorell, Gray, Grove, Roger Hernández, Holden, Jones, Jones-Sawyer, Levine, Logue, Lowenthal, Medina, Morrell, Mullin, Muratsuchi, Pan, Perea, John A. Pérez, V. Manuel Pérez, Quirk, Quirk-Silva, Rendon, Salas, Skinner, Stone, Ting, Waldron, Weber, Wieckowski, Williams, and Yamada*)

March 21, 2013

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Senate Joint Resolution No. 9—Relative to the Startup Act 3.0.

### LEGISLATIVE COUNSEL'S DIGEST

SJR 9, as amended, Huff. Startup Act 3.0.

This measure would urge the United States Congress and the President to establish new entrepreneur and science, technology, engineering, or mathematics-related visa categories for legal immigrants as part of comprehensive federal immigration reform, that would, among other things, create an Entrepreneur's Visa for legal immigrants, provide

authorization to adjust the status of not more than 50,000 aliens who have earned a master's degree or a doctorate degree, as specified, to that of aliens conditionally admitted for permanent residence, and eliminate per-country caps for employment-based immigrant visas.

Fiscal committee: no.

1 WHEREAS, The United States is a nation of immigrants, with  
2 a long history of welcoming indigents from other nations and  
3 giving them a chance at achieving the American Dream; and

4 WHEREAS, Immigrants have formed the backbone of the  
5 nation's economy; and

6 WHEREAS, Open economies grow faster than closed ones, and  
7 as a beacon of hope, America has historically had an unbeatable  
8 advantage over societies that shut immigrants out, or stifled their  
9 creative and innovative spirit; and

10 WHEREAS, The United States economy has been enriched by  
11 the innovative and entrepreneurial spirit of immigrants from around  
12 the world; and

13 WHEREAS, According to the Kauffman Foundation on  
14 Entrepreneurship, of the current Fortune 500 companies, including  
15 Apple, Google, and eBay, more than 40 percent were founded by  
16 first- or second-generation Americans, and these companies employ  
17 more than 10 million people; and

18 WHEREAS, Foreign nationals residing in the United States  
19 were named as inventors or coinventors in one-quarter of all patent  
20 applications filed in 2006; and

21 WHEREAS, Fifty-two percent of Silicon Valley startups  
22 between 1995 and 2005 were founded or cofounded by immigrants,  
23 generating \$52 billion in revenues and employing 450,000 workers;  
24 and

25 WHEREAS, In the past seven years, the national rate of startups  
26 by immigrants has dropped to 42 percent according to scholars at  
27 Harvard and Duke Universities; and

28 WHEREAS, The number of foreign nationals with advanced  
29 degrees awaiting permanent-resident status in the United States  
30 has grown to over one million in the past several years; and

31 WHEREAS, Under current law, only around 120,000 visas are  
32 available annually for skilled workers in key employment  
33 categories and only 7 percent of these visas can be allocated to  
34 immigrants from any one country. So immigrants from countries

1 with large populations, like India and China, which are the source  
2 of the vast majority of startups in the United States, have access  
3 to only 8,400 visas per year; and

4 WHEREAS, The result of this policy is that many of these highly  
5 skilled immigrants must wait more than a decade for visas; and

6 WHEREAS, Many of these highly skilled innovators are  
7 deciding instead to return home, or immigrate to other countries  
8 that welcome them with open arms, such as Singapore, Canada,  
9 Dubai, Australia, the United Kingdom, and Chile. As a result, these  
10 innovators are founding companies in these other countries and  
11 competing with American companies for market share; and

12 WHEREAS, The issue of illegal immigration has taken on  
13 national prominence in recent years and the resolution of the  
14 broader issue should be the result of bipartisan efforts; and

15 WHEREAS, United States Senators Jerry Moran (R-Kansas),  
16 Mark Warner (D-Virginia), Chris Coons (D-Delaware), and Roy  
17 Blunt (R-Missouri) have introduced S. 310, and United States  
18 House Representatives Michael Grimm (R-New York), Loretta  
19 Sanchez (D-California), and others have introduced H.R. 714 in  
20 the 113th Congress of the United States, and this legislation is  
21 known as the Startup Act 3.0; and

22 WHEREAS, Entrepreneurs and highly skilled workers can  
23 contribute to the continued success of the nation and further the  
24 development of an innovation-based economy that will help future  
25 generations compete in the global marketplace; and

26 WHEREAS, There has been bipartisan support in Congress for  
27 proposed changes to immigration law seeking to create new jobs  
28 and drive economic growth, such as:

29 (1) Creation of an Entrepreneur's Visa for up to 75,000 legal  
30 immigrants who start up new businesses to create jobs in the United  
31 States with a path to permanent residency if their businesses  
32 continue to hire more workers.

33 (2) Authorization to adjust the status of not more than 50,000  
34 aliens who have earned a master's degree or a doctorate degree at  
35 an American institution of higher education in a STEM field  
36 (science, technology, engineering, or mathematics) to that of aliens  
37 conditionally admitted for permanent residence to remain in this  
38 country.

39 (3) Elimination of per-country caps for employment-based  
40 immigrant visas; now, therefore, be it

1     *Resolved by the Senate and the Assembly of the State of*  
2     *California, jointly,* That the Legislature urge the United States  
3     Congress and the President to establish new entrepreneur and  
4     STEM-related visa categories for legal immigrants as part of  
5     comprehensive federal immigration reform; and be it further  
6     *Resolved,* That the Secretary of the Senate transmit copies of  
7     this resolution to the President and Vice President of the United  
8     States, to the Speaker of the House of Representatives, to the  
9     Majority Leader of the Senate, and to each Senator and  
10    Representative from California in the Congress of the United  
11    States.

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